



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twelfth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) Nos.32 and 286 of 2015

1 M. MUTHURAJA

2 M. ANJUGAM

3 A. MURUGESAN

... PETITIONERS/ ACCUSED 1 TO 3
in CRL OP(MD). 32/ 2015

V.MURUGAN

... Petitioner in CRL OP(MD). 286/ 2015

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
MATHAGUPATTI POLICE STATION
SIVAGANGAI DISTRICT
CRIME NO. 2 OF 2015

... RESPONDENT / COMPLAINANT
in CRL OP(MD). 32/ 2015

THE STATE REP. BY THE SUB INSPECTOR OF POLICE,
MATHAGUPATTI POLICE STATION,
SIVAGANGAI DIST, CR.NO.2/2015

... Respondent
in CRL OP(MD). 286/ 2015

For Petitioner : M/S.N.MADHAVA GOVINDAN Advocate in both petitions

For Respondent : Mr.A.P.Balasurbramani Govt. Advocate (Crl. Side)
in both petitions

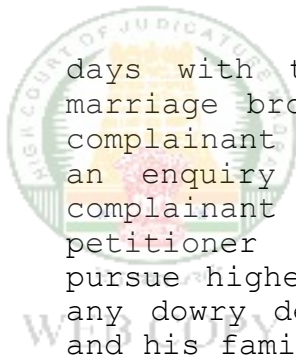
For Intervnor : M/S. ANBARASU Advocate

PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

COMMON ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406 and 506(i) of Indian Penal Code in Crime No.2 of 2015 on the file of Mathagupatti Police Station, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner in
<https://hcservices.ecourts.gov.in/hcservices/>
Crl.O.P. (MD) No.32 of 2015 (Muthuraja) got married to the defacto
complainant - Radhika on 12.12.2010 and thereafter, she lived only for 45



days with the first petitioner in CrI.O.P.(MD)No.32 of 2015 and the marriage broke. It is seen that on the complaint lodged by the *defacto* complainant on 25.02.2011, the District Social Welfare Officer conducted an enquiry and has given a report to the effect that the *defacto* complainant had voluntarily got separated from the company of the first petitioner in CrI.O.P.(MD)No.32 of 2015 on the ground that she wants to pursue higher studies. The report also discloses that there has not been any dowry demand from the first petitioner in CrI.O.P.(MD)No.32 of 2015 and his family members.

3. Now, the learned counsel for the intervenor very strongly objects to the grant of anticipatory bail to the petitioners and submits that the first petitioner in CrI.O.P.(MD)No.32 of 2015 has agreed on 14.08.2014 that he will return 10 sovereigns of gold to the *defacto* complainant-Radhika.

4. The learned counsel for the petitioners submits that the said document was obtained under the threat of arrest in the presence of the police.

5. The learned counsel for the petitioners brought to my notice that the *defacto* complainant has lodged a private complaint in C.C.No.20 of 2013 before the learned Judicial Magistrate No.1, Sivagangai. Subsequently, on various dates, she has received all the house hold articles and also certificates. Under such circumstances, I am of the opinion that it is a fit case to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.I, Sivagangai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the first petitioner in CrI.O.P.(MD)No.32 of 2015 (Muthuraja) shall report before the Judicial Magistrate Court No.I, Sivagangai daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required by the respondent police for interrogation and other petitioners shall report before the respondent police as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Judicial Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

12/01/2015

<https://hcservices.ecourts.gov.in/hcservices/>

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Sub-Assistant Registrar (C.S.)



TO

1 THE JUDICIAL MAGISTRATE, NO.I, SIVAGANGAI.

2 ~~N.J.M.~~ -Do- Through THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

WEB COPY

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4 THE INSPECTOR OF POLICE
SIVAGANGAI TALUK POLICE STATION, SIVAGANGAI DISTRICT.

5 THE SUB INSPECTOR OF POLICE
MATHAGUPATTI POLICE STATION, SIVAGANGAI DISTRICT.

+2. CC to M/S.N.MADHAVA GOVINDAN Advocate SR.No. 1557

TS/13.01.2015/2P-8C

ORDER

IN

CRL OP (MD) Nos.32 & 286 of 2015

Date :12/01/2015